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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-third session
13-30 September 2016
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by South Africa under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit, in writing, additional, updated information, if possible before 1 June 2016 (10,700 words maximum).

The Committee may take up any aspects of the children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please provide statistical data, disaggregated by sex, age, nationality, socioeconomic background, and urban or rural residence, for the past three years, on the number of:

(a) Reported acts of sale of children, child prostitution and child pornography, as well as other forms of exploitation, including child sex tourism, with additional information on the type of action taken as a result, including the prosecution of perpetrators and the sanctions imposed on them;

(b) Children trafficked from or through the State party and children trafficked within the country, for the purpose of sale, prostitution, engagement in forced labour, illegal adoption, organ transfer or pornography as defined in article 3 (1) of the Optional Protocol;

(c) Children offered, delivered or accepted, by whatever means, for the purpose of prostitution, engagement in forced labour, illegal adoption, organ transfer, pornography or marriage;

(d) Child victims who have been provided assistance with reintegration or have received compensation.

2. With reference to paragraphs 13 and 14 of the State party report (CRC/C/OPSC/ZAF/1), please provide information on the progress made towards the establishment of a system of data collection that covers all offences under the Optional Protocol.

3. Please update the Committee on how the National Plan of Action for Children in South Africa 2012-2017 addresses issues covered by the Optional Protocol.

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4. With reference to section 3.3 of the State party report, please clarify how effective coordination is ensured among the various coordination mechanisms and government departments that are responsible for implementation of the numerous laws relevant to the Optional Protocol.

5. With reference to paragraph 78 of the State party report, please update the Committee on measures taken to establish mechanisms for the regular monitoring and evaluation of laws, policies and programmes relevant to the implementation of the Optional Protocol.

6. Please provide more detailed information on human and financial resources allocated for the implementation of the Optional Protocol, particularly on those allocated to support services for children, including Thuthuzela Care Centres, one-stop centres, and NGO-run shelters partially funded by the Government.

7. Please provide information on the stricter border controls introduced on 1 June 2015 to prevent child abduction and human trafficking, and on the recommendations for a review and amendment of this measure that were approved by the Cabinet on 21 October 2015.

8. Please inform the Committee on measures taken to regulate and sensitize the private sector, particularly the tourism industry and the information and communications technology industry, in regard to the prohibition and prevention of offences covered under the Optional Protocol. Please include information on measures taken to eliminate child sex tourism, including whether the State party has taken any measures to disseminate the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, developed by the World Tourism Organization.

9. With reference to sections 5.1, 5.2 and 5.3 of the State party report, please clarify how the current legislation covers the prohibition of all acts and activities related to the sale of children as defined in articles 2 and 3 of the Optional Protocol, in particular: (a) the transfer of organs of the child for profit; (b) the engagement of the child in forced labour; and (c) the sale and transfer of children for the purpose of illegal adoption. Please clarify whether the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 allows for the registration of child offenders under the National Sexual Offences Register.

10. Please provide further details on preventive measures that have been taken to protect children in particularly vulnerable situations from offences under the Optional Protocol, such as girls who are victims of domestic violence, children in street situations, migrant, refugee and asylum-seeking children, children living in institutions and children adopted through informal customary adoption.

11. With reference to paragraphs 22 and 23 of the State party report, please provide information on measures taken to ensure effective investigation, prosecution and conviction of offenders. Please also explain why the number of sexual offences courts was reduced from 64 to 42 in 2009, and what measures have been taken to prevent negative impacts from this reduction on access to justice by, and protection of, child victims and witnesses of sexual offences.

12. With reference to paragraphs 124-126 of the State party report, please clarify whether the current State Party legislation establishes its extraterritorial jurisdiction over all the offences referred to in article 3 (1) of the Optional Protocol, especially when the alleged offender is a national of the State party or a person who has his or her habitual residence in its territory and when the victim is a national of the State party.

13. Please inform the Committee whether the extradition treaties that the State party concluded with other States include as extraditable offences those referred to in the Optional Protocol. Please also inform the Committee whether the State party considers the Optional Protocol to be a legal basis for extradition in respect of such offences.